

JOINT RESOLUTION

IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY OF CLEAR LAKE AND THE TOWN OF CLEAR LAKE PURSUANT TO MINNESOTA STATUTES § 414.0325

WHEREAS, the City of Clear Lake, (the "City") and the Town of Clear Lake, (the "Town") and are in agreement as to the orderly annexation of the unincorporated land described herein, and both believe it will be to their benefit and to the benefit of their respective residents; and

WHEREAS, the City is part owner of land within the Town on which a wastewater treatment plant is located, and the City seeks to annex that land; and

WHEREAS, landowners Leslie and Doris Goenner own a 1.67 acre residential parcel in the Town that abuts the City and wish to be annexed to the City; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City and the Town may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City and the Town are in agreement to the procedures and process for orderly annexation of certain lands described herein for the purpose of orderly, planned growth; and

WHEREAS, the City and the Town have agreed to all the terms and conditions for the annexation of the above-described lands within this document and the signatories hereto agree that no consideration by the Chief Administrative Law Judge of the Office of Administrative Hearings is necessary; that the Chief Administrative Law Judge may review and comment, but shall within 30 days, order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Clear Lake and the Town Board of the Town of Clear Lake, as follows:

1. **Description of Area to be Annexed.** The following described areas are properties subject to orderly annexation under and pursuant to Minnesota Statutes § 414.0325, and the parties do hereby designate these areas for orderly annexation as provided by statute:

The areas shown as areas A and B on the map attached as Exhibit A (the designated "Annexation Areas.") The legal descriptions for the respective Annexation Areas are attached as Exhibit B.

2. **Acreage/Population/Usage.** Annexation Area A consists of approximately 54 acres and the population is zero. The land is utilized as a municipal wastewater treatment facility. As exempt property, it does not generate any taxes for the Town, so no reimbursement is necessary.

Annexation Area B consists of approximately 1.67 acres and the population is two. The land is residential, consists of one single-family home and abuts the current City boundary. The property taxes generated for the Town on this single parcel are de minimus and the parties agree that no reimbursement is necessary. No special assessments are levied or pending on the parcel.

3. **Jurisdiction.** That the Town does, upon passage of this resolution, and the City does, upon adoption by the City Council, confer jurisdiction upon the Chief Administrative Law Judge so as to accomplish orderly annexation in accordance with the terms of this resolution.
4. **Need.** Annexation Area A is fully developed as a municipal wastewater treatment plant operated by a joint powers entity to which the City is a party. Annexation Area B is developed residential property that abuts a housing development within the City. Annexation of both Areas would be in the best interest of the community.
5. **Conditions for Annexation.** The lands within Annexation Area A are utilized by the City as a wastewater treatment facility and do not currently abut the City. This City-owned property, although not directly abutting the City, is connected and adjacent to it via an intermediate public right-of-way and utility easements, and its annexation into the City is in the best interest of the area proposed for annexation. Therefore, this property should be immediately annexed to the City of Clear Lake. Upon annexation the property shall be zoned Institutional under the City's Zoning Ordinance.

Annexation Area B is a small residential parcel located between a county road and a large, platted housing development that is within City limits. The current residential usage is consistent with the zoning in the area and its annexation is in the best interest of the community. Upon annexation

the property shall be zoned R-1 Residential-Urban under the City's Zoning Ordinance.

6. **Review and Comment.** The City and the Town agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment but shall, within thirty (30) days, order the annexation in accordance with the terms of this resolution.
7. **Restrictions. No Alteration of Boundaries.** The City and Township agree that no alteration of the stated boundaries of the orderly annexation areas as described in Exhibit A is appropriate, that no consideration by the Chief Administrative Law Judge is necessary, and that all terms and conditions for annexation are provided for in this Joint Resolution.
8. **Costs Associated with the Orderly Annexation Agreement.** Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement, with the exception that the City shall pay for the Town's legal services related to this Agreement incurred on and after September 15, 2008, up to a total of three hours, and the City shall pay for the recording and filing fees and publication costs.
9. **Dispute Resolution.** Any dispute between the City and the Town regarding this Agreement shall first be addressed by a joint meeting of the City Council and the Town Board, or, in the alternative, by a representative from each entity. Either the City or the Town may declare an impasse in the dispute resolution process and request mediation. The parties agree to mediate disputes which have reached such an impasse by filing a request for mediation with the Minnesota Bureau of Mediation Services within 30 days after notice of impasse is served by one party upon the other party. In the event the Bureau of Mediation Services is unable to resolve the impasse, the City and the Town may resolve the dispute by appropriate legal action with each party bearing its own attorneys' fees and costs.
10. **Severability and Repealer.** All prior resolutions and ordinances of the Town and City, or portions of resolutions and ordinances in conflict with this Resolution, are hereby repealed. If any section of this Joint Resolution and Agreement is held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect. In the event of litigation, neither the City nor the Town will seek to have any provisions of this Agreement declared null and void. If a court issues an order declaring a portion of this Agreement unconstitutional or void, the parties mutually agree to request of that court reformation of

APR 06 2009

the contract and/or legislation, both actions being for the purpose of reinstating the original intent of this Agreement.

11. **Effective Date.** This Joint Resolution and Agreement is effective upon its adoption by the respective governing bodies of the Town and the City, as provided by law.
12. **Adopt and Enforce Regulations.** The City and Township agree to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the stipulations contained in this Joint Resolution.
13. **Amendments.** Any amendments to this Joint Resolution and Agreement will require adoption and approval by the City and Town.
14. **Authorization.** The appropriate officers of the City and the Town are hereby authorized to carry the terms of this Joint Resolution and Agreement into effect.

Adopted by affirmative vote of all the members of the Clear Lake Town Board of Supervisors this 17 day of March, 2008. 9

TOWN OF CLEAR LAKE

By: [Signature]
Chairperson
Board of Supervisors

By: [Signature]
Clerk

Adopted by affirmative vote of the City Council of the City of Clear Lake, this 17 day of March, 2008. 9

CITY OF CLEAR LAKE

ATTEST:

By: [Signature]
Mayor

By: [Signature]
City Administrator

Approved this 4th day of March, 2008. 9

REC'D BY
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APR 06 2009

EXHIBIT A

MAP OF PROPOSED ORDERLY ANNEXATION AREAS

[See next attached page.]

EXHIBIT B

REC'D BY
MMA

APR 06 2009

LEGAL DESCRIPTIONS

Annexation Area A (Wastewater Treatment Plant)

The Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township Thirty-four (34), North Range Thirty (30) West, and that part of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$), of Section Twenty-five (25), Township Thirty-four (34) North, Range Thirty (30) West, Sherburne County, Minnesota, lying Northerly and Northeasterly of the following described line: commencing at the Northeast corner of said Section 25; thence South 00 degrees, one minute, four seconds East on an assumed bearing along the east line of said Section 25 a distance of 791.00 feet for the point of beginning of the line to be described; thence South 09 degrees, 58 minutes, 56 seconds West 4,239.53 feet; thence North 25 degrees, 3 minutes, 27 seconds West 564.95 feet; thence North 53 degrees, 45 minutes, 8 seconds West 395.66 feet; thence North 87 degrees, 44 minutes, 26 seconds West to the West line of said (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) and said described line there terminating.

Annexation Area B (Goenner Property)

That part of the Northwest Quarter of the Northeast Quarter NW 1/4 of NE 1/4 of Section seven (7), Township Thirty-four (34), Range Twenty-nine (29), described as follows: Beginning at the point of intersection of the North line thereof and the Easterly right-of-way line of County State Aid Road No. 6, which point is 28.97 feet East of the Northwest corner thereof; thence South along said right-of-way line 444.49 feet; thence East Parallel with said North line 163.0 feet; thence North parallel with said Easterly right-of-way line 444.49 feet to intersect said North line; thence West along said North line 163.0 feet to the point of beginning.

RRM: 122448

